

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TROY MILLER,

Plaintiff,

v.

19-CV-6483-FPG
ORDER

C.O. TROUTMAN,

Defendants.

Pro se Plaintiff Troy Miller was an inmate confined at the Livingston Correctional Facility when he filed this civil rights action. ECF No. 1. The Court granted Plaintiff's motion for leave to proceed *in forma pauperis* and conducted an initial screening of the Complaint, which allowed Plaintiff's claims to proceed to service against Defendant Troutman only. ECF No. 6. According to the New York State Department of Corrections and Community Supervision, Plaintiff was released to parole on July 18, 2019.¹ He did not provide the Court with his current address.

Local Rule of Civil Procedure 5.2(d) requires that "[t]he Court must have a current address at all times. Thus, a *pro se* litigant must inform the Court immediately, in writing, of any change of address. Failure to do so may result in dismissal of the case, with prejudice." Loc. R. Civ. P. 5.2(d).

In addition, the United States Marshal has been unable to serve the Summons and Complaint on Defendant Troutman at the location provided by Plaintiff. At the Court's request, the United States Attorney General's Office investigated this issue and reported that there are two

¹See <http://nysdoccslookup.doccs.ny.gov> (last visited May 14, 2020).

correction officers with the last name Troutman but that neither was working at the Livingston Correctional Facility at the time of the events alleged in the Complaint. Therefore, in addition to providing his current address, Plaintiff Miller is directed to identify which individual, by full name and/or description, he intended to name in this action.

IT IS HEREBY ORDERED that


Plaintiff is directed to provide the Court, in writing, his current address within **30 days** of the date of this Order;

Plaintiff is further directed to provide, in writing, the full name and/or description of the correction officer that he intended to name as the defendant in this action within **30 days** from the date of this Order; and

If Plaintiff fails to provide his current address within 30 days from the date of this Order, the Clerk of the Court is directed to close this case as dismissed under Rule 5.2(d).

SO ORDERED.

Dated: May 26, 2020
Rochester, New York


FRANK P. GERACI, JR.
UNITED STATES DISTRICT JUDGE